

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended no claims. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-16 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 103 (a)**

The Examiner rejected claims 1-7 and 9-16 under 35 U.S.C. § 103(a) as being unpatentable over Champagne (US 7,310,730 B1) in view of Putzolu (US 6,359,902 B1). The Applicant respectfully traverses the rejection of these claims.

The Champagne reference, in the Abstract, states the first difference of Champagne with respect to the Applicant's claim 1. From the Detailed Action on page 3, quoting in part; "A method of communicating an encrypted data broadcast..." and "A request is received from the first receiver to join a broadcast data stream that is directed to a plurality of receivers by a broadcast server." The preamble of Applicant's claim 1 states: "A method in an intermediate node comprising a multicast/broadcast server and a streaming node for providing multicast for streaming transmission from a streaming server...". (emphasis added) A person skilled in the art would not look to a multicast reference from the perspective of a broadcast reference because of the difference between broadcast and multicast. Basically, a broadcast message can be received by every device on a network and a multicast message is transmitted and can only be received by select multiple recipients that are members of a multicast group in a network.

The Champagne reference establishes a first channel to communicate a private data stream to a first receiver. Then, a request from the first receiver to join a broadcast stream is answered by establishing a second channel over which the streaming data is provided to the first receiver. Champagne is specific as to what types of channel are established: encrypted channels; and to what types of receivers: VPN. The first channel provides the first receiver with decryption information which can be used to decrypt

information sent on the second channel (col. 3, lines 27-36). The Applicant's invention does not utilize two channels.

On page 3 of the Detailed Action, it is stated that the broadcast event can be transmitted using GRE. Further, it is stated that "...the broadcast server 102 communicates the broadcast using multicast to all elements...". As indicated above, "multicast" is not discussed or disclosed in Champagne. Therefore, Champagne does not apply to the Applicant's present invention at least because of the underlying technology.

In contrast to the Champagne reference, the Applicant discloses a streaming server sending a streaming transmission to the multicast/broadcast server and streaming node combination which then sets up a multicast bearer. The streaming transmission received from the streaming server is adapted to a multicast transmission, according to the needs of a multicast group. There is a single stream between the streaming server and the streaming node. The streaming node replicates the received single-user stream according to the number of groups. Additionally, the single-user stream is translated to accommodate the various types of multicast groups.

The Applicant respectfully contends that Champagne does not disclose at least the following limitations of claim 1:

"...intermediate node including the multicast/broadcast server and the streaming node;" (Champagne does not provide an intermediate node comprising a multicast/broadcast server (BM-SC) providing multicast transmission and a streaming node (NIN) providing a streaming transmission)

"...establishing of a bearer for a multicast transmission according to the requirements for streaming transmission;" (there is no establishing of a bearer according to streaming transmission in Champagne. If a streaming operation is to be performed a second channel is established)

"...establishing a multi-user streaming session on the bearer by translating the on-demand single-user signaling received from the streaming server into multi-user push signaling." (There is no translation of signaling in Champagne nor is there disclosure of multi-user push signaling). The portion of Champagne (col. 7, lines 33-36)

cited as disclosing this element actually discloses a provision of payload information over the second channel).

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations."

The Putzolu reference is cited for disclosing;

"...adapting the received streaming flow to the multicast transmission according to the needs of a multicast group or subgroup of a multicast group, replicating the received streaming transmission according to the number of the multicast subgroups."

The preamble of claim 1 states "...providing a streaming transmission..." and the cited portion of Putzolu regarding streaming flow states that multicast receivers can tune in to a desired multicast group using information provided by an SDP message. However, the Champagne reference (Class 713) discloses the use of a broadcast transmission and since Putzolu (Class 370) appears to operate on streaming flows to adapt to multicast, the Applicant respectfully contends that Putzolu would not be considered with Champagne because of the technology. The Applicant respectfully contends that the Champagne reference does not disclose at least the above discussed elements and the requirements of a prima facie case of obviousness have not been met. This being the case, the Applicant respectfully requests the allowance of independent claim 1 and analogous independent claims 15 and 16.

Claims 2-7 and 9-14 depend from claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 1-7 and 9-16 is respectfully requested.

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Champagne in view of Putzolu further in view of Cannon (US 6,014,706). The Applicant respectfully traverses the rejection of claim 8.

The Cannon reference is cited for disclosing an intermediate node receiving a session description message informing about the parameters to the group members by means of the multi-user signaling message. However, the Champagne and Putzolu reference fail to disclose the above discussed elements of claim 1, which are included in claim 8. Cannon fails to disclose limitations not supplied by the Champagne and Putzolu references. Therefore, the allowance of claim 8 is respectfully requested.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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